

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YACOV APELBAUM, a New York resident,
and XRVISION, LTD., a New York corporation,

Case No. 2:23-cv-11718

III

Plaintiffs,

v.

STEFANIE LAMBERT, a Michigan resident, and
THE LAW OFFICE OF STEFANIE L. LAMBERT, PLLC,
A Michigan professional limited liability company
And BILL BACHENBERG, a Pennsylvania resident,

Hon. Stephen J. Murphy,

Defendants.

BURNS LAW FIRM

John C. Burns*
Attorneys for Plaintiffs
PO Box 191250
St. Louis, Missouri 63119
(314) 329-5040
TBLF@pm.me
*admission to the Eastern District
Of Michigan pending

STUART LAW, PLC

Todd A. Stuart
Attorneys for Plaintiffs
429 Turner Ave. NW
Grand Rapids, MI 49504
(616) 284-1658
tstuart@stuartlawplc.com

**THE LAW FIRM OF MICHAEL J.
SMITH AND ASSOCIATES, PLLC**

Michael J. Smith (P36706)
Jamal R. Harris (P63835)
John H. Mott (P81990)
Attorneys for Defendant Bill
Bachenberg
70 Macomb Place, Suite 200
Mt. Clemens, MI 48043
(586) 254-0200
msmith@mikesmithlaw.com
jharris@mikesmithlaw.com
jmott@mikesmithlaw.com

**THE LAW FIRM OF MICHAEL J. SMITH AND ASSOCIATES, PLLC'S
MOTION TO WITHDRAW REPRESENTATION OF
DEFENDANT BILL BACHENBERG**

NOW COMES, The Law Firm of Michael J. Smith and Associates, PLLC, counsel for Defendant Bill Bachenberg, only, and for its Motion to Withdraw Representation states onto this Honorable Court the following:

1. Plaintiffs filed the instant matter on July 18, 2023, against, in part, Defendant Bill Bachenberg. **ECF No. 1.**
2. Defendant Bill Bachenberg, by and through his retained counsel, The Law Firm of Michael J. Smith and Associates, PLLC (hereinafter "The Law Firm"), filed his response to Plaintiffs' Complaint on November 22, 2023. **ECF No. 9.**
3. Since this date, the parties have exchanged/conducted discovery despite this matter being very intricate and now almost two (2) years old. Additionally, the parties have submitted a fourth request for adjournment of the scheduling order dates and it is understood there is still a landslide of information to sift through and digest.
4. Further, the parties entered into Early Dispute Resolution with Attorney Michael Latiff which took several months.
5. Prior to a recently conducted deposition, the undersigned counsel gained information that Defendant Stephanie Lambert was potentially impeding the representation of Defendant Bachenberg and The Law Firm through a letter that came

from Defendant Bachenberg's email, to the extent that Defendant Bachenberg ceased all communications with The Law Firm beginning May 19, 2025, through current.

6. On or about April 28, 2025, Defendant Bachenberg was elected as the President of the National Rifle Association, and it was around this time that The Law Firm believes that Defendant Lambert communicated with Defendant Bachenberg and he began to distance himself from The Law Firm. Prior to this, communication was excellent between The Law Firm and Defendant Bachenberg.

7. In the last eight (8) days, The Law Firm has attempted to contact Defendant Bachenberg via emails, text messages and phone calls, to no avail.

8. In that time, Defendant Bachenberg has responded to only one (1) text message indicating that he would call The Law Firm but never did and has yet to do so.

9. Accordingly, there has been a breakdown in attorney-client communications to the extent that The Law Firm can no longer effectively represent Defendant Bachenberg. Other good cause for withdrawal exists as the representation will result in violation of the Rules of Professional Conduct or other law(s) because counsel's performance will be hindered by the breakdown in the attorney-client relationship and/or the actions of Defendant Lambert.

10. Local Rule 83.25 allows an attorney to withdraw representation only on order of the Court. *See also MRPC 1.16(c).*

11. Courts may still forbid withdrawal if it would “work severe prejudice on the client or third parties.” *Brandon v. Blech*, 560 F.3d 536, 538 (6th Cir. 2009) (citing *Fid. Nat. Title Ins. Co. of New York v. Intercounty Nat. Title Ins. Co.*, 310 F.3d 537, 541 (7th Cir. 2002)).

12. Defendant Bachenberg will suffer little to no prejudice should this Honorable Court grant The Law Firm’s reasonable request for withdrawal.

13. The Law Firm has given Defendant Bachenberg written notice of its intention to withdraw. *See MRPC 1.16(d)*.

Respectfully submitted,
THE LAW FIRM OF MICHAEL J. SMITH
AND ASSOCIATES, PLLC

/s/ Michael J. Smith
Michael J. Smith (P36706)
Jamal R. Harris (P63835)
John H. Mott (P81990)
Attorney for Defendant BACHENBERG
70 Macomb Place, Suite 200
Mt. Clemens, Michigan 48043
(586) 254-0200

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(586) 254-0200
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BRIEF IN SUPPORT OF THE LAW FIRM OF MICHAEL J. SMITH AND ASSOCIATES, PLLC'S MOTION TO WITHDRAW REPRESENTATION OF DEFENDANT BILL BACHENBERG

NOW COMES, The Law Firm of Michael J. Smith and Associates, PLLC, and for its Brief in Support its Motion to Withdraw Representation, relies upon the facts and arguments as set forth in the accompanying motion, as well as any and all applicable Fed. R. Civ. P., L.R., M.R.P.C., and precedent.

Respectfully submitted,

THE LAW FIRM OF MICHAEL J. SMITH
AND ASSOCIATES, PLLC

/s/ Michael J. Smith
Michael J. Smith (P36706)
Jamal R. Harris (P63835)
John H. Mott (P81990)
Attorney for Defendant BACHENBERG
70 Macomb Place, Suite 200
Mt. Clemens, Michigan 48043
(586) 254-0200